

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BRYAN P. BONHAM,

Petitioner

v.

STATE OF NEVADA,

Respondent

Case No.: 2:23-cv-01174-RFB-NJK

**Order Granting Application to Proceed  
In Forma Pauperis and Dismissing  
Petition**

Petitioner Bryan P. Bonham, an individual incarcerated at Nevada's High Desert State Prison, has submitted what he has styled as a pro se petition for writ of habeas corpus with exhibits attached. (ECF No. 1-1.) His application to proceed in forma pauperis is granted. (ECF No. 1.) The court has conducted a preliminary review of the petition, and it is dismissed for various defects.

First, the petition is not on this court's form, nor does it substantially follow the form, as required by the local rules. (LSR 3-1.) Second, while he purports to set forth three grounds for federal habeas relief, he mainly appears to argue that the Nevada appellate courts failed to follow their rules and improperly rejected his appeal. He also seems to assert that he is entitled to equitable tolling in this court, possibly on the basis that he did in fact timely mail a motion to correct illegal sentence for filing in state court.

1 However, a petitioner may only seek a writ of habeas corpus in federal court on the  
2 ground that he is in custody in violation of the Constitution or laws or treaties of the  
3 United States. 28 U.S.C. § 2254(a). Bonham has not set forth any underlying claims  
4 that his judgment of conviction or sentence are unconstitutional. Accordingly, the  
5 petition is dismissed for failure to state claims cognizable in habeas corpus.<sup>1</sup>

6 IT IS THEREFORE ORDERED that petitioner's application to proceed in forma  
7 pauperis (ECF No. 1) is GRANTED.

8 IT IS FURTHER ORDERED that the Clerk of Court detach and file the petition  
9 (ECF No. 1-1).

10 IT IS FURTHER ORDERED that the petition is **DISMISSED**.

11 IT IS FURTHER ORDERED that a certificate of appealability will not issue as  
12 jurists of reason would not find the court's dismissal of this action for failure to state a  
13 cognizable claim to be debatable or incorrect.

14 IT IS FURTHER ORDERED that the Clerk enter judgment accordingly and close  
15 this case.

16  
17 DATED this 9 day of September 2023.

18  
19   
20 RICHARD F. BOULWARE, II  
21 UNITED STATES DISTRICT JUDGE

22  
23 <sup>1</sup> This court takes judicial notice of its docket, and notes that Bonham has been specifically  
advised previously of the court's required form and of the requirements of § 2254(a). See 2:22-  
cv-01149-MMD-BNW (dismissed for failure to use or substantially follow court's form and failure  
to state claims for which federal habeas relief may be granted (ECF No. 3)). Moreover, the  
docket reflects that Bonham has filed numerous actions here, including several habeas  
petitions. See, e.g., 2:22-cv-01230-APG-DJA, 2:23-cv-01172-CDS-BNW.